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CONSIDERATION OF REPORTS SUBMITTED BY STATES PARTIES
UNDER ARTICLE 18 OF THE CONVENTION

Initial reports of States Parties

URUGUAY

V.85 28530

REPLY TO THE QUESTIONNAIRE REGARDING THE CONVENTION ON THE ELIMINATION OF ALL FORMS OF DISCRIMINATION AGAINST WOMEN

Article 2, item (a). As far as Uruguay is concerned, the answer is affirmative.

Article 8 of the Constitution of the Republic lays down the principle of the equality of all persons before the law and, in this way, the equal rights of men and women: "All persons are equal before the law and no distinction shall be recognized between them other than that of their talents or their virtues".

Article 77 of the Constitution stipulates: "Every citizen participates in the sovereignty of the Nation; as such, he may elect and be elected in such cases and forms as shall be designated". The right of women to vote was recognized by the Constitution of 1934, with the first practical application of this right being made in the national elections of 1938. From that time on, women have participated to an increasing degree in the national electoral process, there being, in addition, no legal impediments to the participation of women in politics.

Law No. 10,783 of 11 September 1946 placed the civil rights of women on an equal basis with those of men. Of the various provisions of this law, particular attention should be called to, among others, article 1, which states that "Women and men have equal civil capacity"; article 2, which confers on married women the right to the free administration and disposition of their property; article 6, which entitles the married woman, in the same way as her husband, to seek the dissolution and liquidation of the conjugal union without the specification of grounds; and article 11, which establishes that parental authority is to be exercised jointly by the spouses.

Laws No. 3,245 of 26 October 1907 and No. 8,159 of 22 December 1927 repealed the only discriminatory provisions against women in the penal code, namely with regard to adultery (Penal Code of 1889).

Law No. 13,720 of 16 December 1968, which created the Commission on Prices and Income, expressly established the principle that "there is to be similar remuneration for equal tasks, assuming equal productivity".

Law No. 14,489 of 23 December 1975 established the Office of Women in the Ministry of Labour and Social Security, whose tasks include "... the investigation and study of conditions for the protection of working women with a view to ensuring compliance with the social legislation and to providing counselling within the areas of its competence to the divisions and services of the Ministry...", etc.

Item (b): (b1). The reply follows from the enumeration given in reply to item (a).

(b2). With reference to a failure to comply with the labour legislation in force, Law No. 13,640 of 26 December 1967, in article 488, provides that "Infractions of all international treaties, laws, decrees, awards and collective agreements, the monitoring of which is the responsibility of the Office of the Inspector General for Labour and Social Security, shall be sanctioned in accordance with the following provision.

"Article 489. The amount of the fines applicable shall be graduated according to the seriousness of the infraction in a sum set between the amounts of from one to fifty wage days for every worker who is involved in the infraction or who may be affected by it. In the case of repetition, this scale shall be doubled."

(b3). Decree No. 680/977 of 6 December 1977 charged the Office of the Inspector General for Labour and Social Security with a number of responsiblities, among which the following should be mentioned: "Article (6a). To protect the life, health and morality of working people and, in particular, of working minors and women; (b) To monitor the compliance with, and application of, legal and regulatory provisions in the area of labour and social security, contracts and collective agreements, and other standards in force; ...".

Item (c)

Item (d): Monitoring of the labour and social security standards, a function entrusted under Decree No. 680/977 of 6 December 1977 to the Office of the Inspector General for Labour and Social Security, is performed by the labour inspectors, who have the right of free entry, without prior notification, at any hour of the day or night, for the purpose of examining, checking, conducting inquiries or performing any test or investigation they deem necessary in order to ascertain that the legal provisions regarding labour and social security are being strictly observed.

Item (e): There is no knowledge of any inquiry into the existence of formal or practical discrimination against women in education.

Item (f): 1. Acting on the legal basis of Law No. 15,164 of 4 August 1981, which approved the Convention on the Elimination of All Forms of Discrimination Against Women, as well as the Recommendation on "Conditions of Work, Vocational Training and Employment for Women", adopted at the Eleventh Conference of the American States Members of the International Labour Organisation, held in the city of Medellín (Colombia) in September 1979, the Executive Branch sent a message to the Council of State, dated 16 December 1981, requesting the denunciation of International Labour Agreement No. 89, which prohibits women from working at night in industry on the basis of past principles that were originally designed to protect women against excessive or dangerous work, but which had subsequently become a cause of discrimination by restricting the opportunities for access by women to a broad range of jobs.

There have been no large-scale campaigns against discrimination, since they have not been deemed necessary. Nevertheless, at the present time the possibility is being studied of associating Uruguay with Project PAL/83/FR04 "Equality of Opportunities and Treatment for Women in Latin America", which consists in the "dissemination of information through television".

Item (g): 1. As noted above (article 9, item (c)), the only discriminatory provisions against women in the penal law were concerned with adultery (Penal Code of 1889) and were rescinded by Laws No. 3,245 of 26 October 1907 and No. 3,159 of 22 December 1927.

Article 3.

Political

Under Law No. 8,927 of 14 December 1932, "Women are granted the right to vote and to be elected at both the national and municipal level". The next year, in 1933, at the Pan-American Conference held in Montevideo, Dr. Sofía Alvarez de Demicheli, as the delegate of Uruguay, signed the "Treaty of Recognition of the Civil and Political Rights of Women", to which Ecuador, Paraguay and Cuba were also parties. The 1984 constitutional reform incorporated article 65, which establishes that "All men and women born anywhere within the territory of the Republic are natural citizens".

In 1935 the Executive Branch sent a message to Parliament urging that t necessary steps be taken to enrol women in the National Civil Registry lists, move that was followed by the actual implementation, under Law No. 9,496 of 14 August 1935, of women's constitutionally guaranteed right to vote. Urugua women voted for the first time in 1938 and took seats in the national parlia 1942. Since that time, women have actively participated in the political li the country not only by exercising their right to vote, but by presenting themselves as candidates for elective government offices and holding positio great responsibility.

Social

Article 4: There still exist in the country, in the area of labour legislation, certain standards or provisions that were designed to protect wo and imply unequal treatment in their favour. For example, Law No. 6,102 of 10 July 1918 specifies in its article 1 that "Stores, shops, pharmacies, fact workshops and other establishments and premises at which women work shall hav sufficient number of chairs to permit the female employees or workers to be s whenever the nature of their tasks makes this possible". Under a decree of 6 November 1942, this law was extended to include elevator operators. The legislation prohibits: the use of female personnel for night work at bakerie (Law No. 11,249 of 10 February 1949, article 3); the employment of women fo cleaning or repair of motors in operation, machines and other dangerous transmission devices (Law No. 5,032 of 21 July 1914, article 4, and Decree No. 647/978 of 21 November 1978, article 32); the work of women in a industry involving the use of substances releasing toxic, irritant and causti dust, when effective protective measures have not been provided (Decree of 19 July 1941, article 5); and the employment of women for the work of indust painting involving the use of white lead, lead sulphate or any products conta these pigments (Decree of 15 September 1952, article 1, item (d)).

Article 5, item (a): Since no sexually motivated prejudices or customa practices of discrimination exist, no special provisions have been adopted to eliminate them.

Item (b): The Civil Code of the Republic, enacted on 19 April 1888, co in its Book One "On Persons", among others, the following titles: "On differ civil persons"; "On the domicile of persons"; "On the civil status of perso "On the absent"; "On marriage". Under the last title, and with regard to th obligations that flow from marriage, article 116 stipulates that through the fact of marriage the spouses, i.e., the man and the woman, assume the obligat maintaining and raising their children and seeing to it that they acquire an occupation or trade suitable to their status and circumstances. The obligati provide support, laid down under article 118 of this law, includes "not only house and food, but also clothing, footwear, medicines and the payment of doc and assistants in case of sickness. Also included is education, when the dep is a minor".

Law No. 10,783 of 18 September 1946 (On the Civil Rights of Women) intro a number of amendments to the Civil Code, specifically providing, e.g., that parental authority was to be exercised jointly by the spouses.

The joint responsibility of parents in respect of their children has als established in the Constitution, article 41 of which states: "The care and r of children in order that they may achieve their full physical, intellectual social development is a duty and right of the parents. Such persons as have numerous dependent offspring are entitled to compensatory assistance whenever require it. The law shall provide the necessary means in order that children

by their parents or guardians, as well as against exploitation and abuse. Parents shall have the same duties towards children born outside of wedlock as towards those born in it. Mothers, whatever their condition or status, are entitled to the protection of society and to its assistance in cases of need".

As an expression of the recognition of the outstanding work women are capable of performing, the Constitution in its article 43 provides that "The law shall see to it that juvenile delinquency is dealt with in a special way allowing for the participation of women".

Article 6: 1. Under Law No. 8,080 of 27 May 1927, procurement was classified as a crime, the term being understood to refer to the act committed by "any person of either sex who exploits the prostitution of another, contributing to this end in any manner for the purpose of profit, even when the victim has given his or her consent ...". The Decree of 30 May 1928 (article 19) provided for the prosecution of white slavery.

2. In accordance with article 30 of the Uruguayan Code of Criminal Procedure, "The administration of justice in respect of the penal law shall be carried out within the Republic by the following courts: the Court of Justice, the criminal appeals courts, the lower criminal courts presided over by legally trained judges ["juzgados letrados"], the lower courts presided over by legally trained judges in the Departments of the interior, the Montevideo Court of Minor Infractions ["Tribunal de Faltas"] and the justices of the peace in the Departments of the interior, subject to the provisions established in article 45".

3. Law No. 8,080 of 27 May 1927 imposes as the penalty for the crime of procurement "... two to eight years of imprisonment. In the case of a repeated offence, offenders shall be subject to the maximum legal penalty" (article 1). "The minimum penalty shall be four years of imprisonment if the victim is below 14 years of age and the offender is a police official, or if the offence was perpetrated through deception, violence, the threat of serious harm, the abuse of authority or some other means of intimidation or coercion, or if the perpetrator is an ascendant, husband, brother, guardian or person in custody of the victim or was living in a marital relationship with her" (article 2).

"The President of the Republic shall order the expulsion, or barring from, the national territory of any alien of either sex who engages, inside or outside the country, in the activities defined and punished under article 1 of this Law".

4. No. The sanctions are those of imprisonment and expulsion from the country already mentioned.

PART II

Article 7: Article 77 of the Constitution of the Republic establishes that "Every citizen participates in the sovereignty of the Nation; as such, he may elect and be elected in such cases and forms as shall be designated". Further, article 73 states that "The citizens of the Eastern Republic of Uruguay are natural or legal", going on to specify that "All men and women born anywhere within the territory of the Republic... are natural citizens" (article 74), while foreign men and women who meet the requirements listed in article 75 of the Constitution "have the right to legal citizenship ...".

Items (a) and (b): The political equality of men and women was first established in the Constitution of 1934. A year later, in 1935, the necessary arrangements were made for the enrolment of women in the National Civil Registry lists, thus making possible the practical implementation of this constitutionally

Through the different positions they hold in the public administration, Uruguayan women participate in the formulation and execution of government pol and are involved in the lawmaking process as members of the legislative branch Particular mention should be made of the presence of a woman judge in the judi branch, where an outstanding woman professional, Dr. Sara Fons de Genta, is a member of the Supreme Court of Justice.

The Constitution of the Republic establishes in its article 43 that "The shall see to it that juvenile delinquency is dealt with in a special way allow for the participation of women".

Item (c): Women participate in various non-governmental organizations an others of a professional nature (Bar Association, Medical Society of Uruguay, Association of Court Clerks, etc.). Women are also involved in labour organizations, in which connection annex I presents a table indicating the representation of women on the provisional boards of directors of the most important labour associations established in accordance with Law No. 15,137 of 21 May 1981.

Article 8: 1. Law No. 14,206 of 6 June 1974, which approved the Foreign Service Statute, lays down in its article 35 the conditions for acceptance in Uruguayan Foreign Service, obviously without any reference to sex, with the re that this Service is made up of women and men. At the present time, the Embas Uruguay in Costa Rica is under the direction of an ambassadress, Dr. Pura Sasco de Sundblad. With respect to the participation of women in the of the international organizations, it should be pointed out that since 1975, in accordance with article 3, paragraph 2, of the Constitution of the Internat Labour Organisation, to which Uruguay is a party, women have almost always bee represented in the country's delegations to the General Labour Conference.

2. In general, no sexually specific selection criteria have been adopte and the personnel chosen to represent the Republic abroad have been selected o basis of their qualities and/or professional qualifications. Only in special cases, when the principal subject to be discussed at a meeting has required th presence of a woman representative, has selection been based on sex. For exam Uruguay has been a member of the Inter-American Commission of Women (CIM) uninterruptedly since 1938 to the present time. It is fair to say that as far its activities and official representation in that organization are concerned, Uruguay has played a highly constructive role in both formal and practical ter with Dr. Julieta Jardí Abella de Morales, our country's regular delegate to th Commission, having held the position of CIM President. In addition, at the Eleventh Meeting of American States Members of the International Labour Organisation, which was held in September 1979 in the city of Medellín (Colomb a woman representative was selected to be a member of the Commission on the Wo Women.

3. As indicated above, at the present time a woman with ambassadorial r heads Uruguay's diplomatic mission to Costa Rica. A number of chancellery departments are under the direction of women. Within the Ministry of Labour a Social Security, the International Relations Advisory Department is managed by woman, a similar situation existing in the public administration.

Article 9, paragraph 1: The Constitution of the Republic lays down, in article 73, that "The citizens of the Eastern Republic of Uruguay are natural legal" and that "All men and women born anywhere within the territory of the Republic are natural citizens. The children of an Uruguayan father or mother, whatever their place of birth, also become natural citizens by virtue of their establishing residence in the country and enrolling in the Civil Register"

Article 75 of the Constitution lists the requirements demanded of alien men and women who may wish to aquire the right to legal citizenship.

Particular attention is called to article 81, which states: "Nationality is not lost even in the event of naturalization in another country, all that is required for the recovery of the exercise of the rights of citizenship being the establishment of residence in the Republic and enrolment in the Civil Registry. Legal citizenship is lost as a result of any other form of subsequent naturalization".

The provisions noted above are equally applicable to men and women, there being no connection between the acquisition or loss of legal citizenship (since natural citizenship cannot be lost) with the act of marriage and/or the nationali of the spouse.

Article 9, paragraph 2: Article 74 ad finem of the Constitution of the Republic stipulates that "The children of an Uruguayan father or mother, whatever their place of birth, also become natural citizens by virtue of establishing residence in the country and enrolling in the Civil Registry".

PART III

Article 10: Before referring to the measures taken to ensure the equality o the rights of men and women in the area of education, it would be instructive to take note of the country's existing literacy statistics on the basis of sex.

Literacy

The overall literacy rate is 94.3 per cent.

The highest rate (97.9%) is found in the 10-to-14-year age bracket and the lowest (89.2%) in the bracket encompassing persons of 45 years of age and older.

It is believed that the adult literacy training courses that have recently been organized are producing an improvement in the statistics.

In all cases, literacy rates are higher for the female sex, the reason lying in the greater proportion of women in the country's urban areas, where attendance at educational institutions is greater because of the greater accessibility of these establishments.

Literacy Rates By Sex According To Age Groups

Age groups	Literacy rates, %		
	Both sexes	Men	Women
Total	94.3	93.8	94.7
10-14 years	97.7	97.1	98.2
15-44 years	97.3	96.7	97.9
45 years and above	89.2	88.7	89.6

Level of education

Whereas illiterates account for 5.7% of the Uruguayan population, persons who have received no education represent 6.5%, which is an indication that not all uneducated persons totally lack a minimum level of culture as in the case of illiteracy.

In terms of sex, more women complete the primary, secondary and "magisterio" 1/ cycles of education, while a larger proportion of men complete the university cycle and the technical courses of the University of Labour (Universidad del Trabajo).

Population of 12 Years of Age and Older, by Sex
According to the Level of Education
(in percentages)

Level of Education	Total %	Men %	Women %
Total	100.0	100.0	100.0
PRIMARY, COMPLETE	27.0	25.6	28.4
Primary, incomplete	32.6	34.6	30.6
Primary, no information	0.7	0.7	0.7
SECONDARY, 4 YEARS, COMPLETE	4.5	3.9	5.0
Secondary, 4 years, incomplete	11.1	10.8	11.3
Secondary, 4 years, no information	0.4	0.4	0.4
SECONDARY, MORE THAN 4 YEARS, COMPLETE	1.8	1.4	2.1
Secondary, more than 4 years, incomplete	2.8	2.6	2.9
Secondary, more than 4 years, no information	0.0	0.0	0.0
"MAGISTERIO", COMPLETE	1.2	0.2	2.2
"Magisterio", incomplete	0.5	0.1	0.8
"Magisterio", no information	0.0	0.0	0.0
UNIVERSITY OF LABOUR, COMPLETE	2.2	2.6	1.8
University of Labour, incomplete	3.4	4.6	2.1
University of Labour, no information	0.1	0.1	0.1
UNIVERSITY OF THE REPUBLIC, COMPLETE	1.2	1.6	0.9
University of the Republic, incomplete	2.0	2.4	1.8
University of the Republic, no information	0.0	0.0	0.0
Others	1.0	1.3	1.0
No education	7.5	7.0	7.9

Our constitutional texts always refer to the "citizens" or "inhabitants" of the country, with no distinction as to their sex. Equality before the law emerges as a basic tenet of our Constitution, in that it affirms that the sole valid distinction between all persons (with no discrimination as to sex) is that of their talents or their virtues (article 8).

1/ Translator's note: The "magisterio" corresponds to a secondary educational programme for the training of primary school teachers.

Article 68 of the Constitution guarantees freedom of education, specifying that the law shall restrict the intervention of the State in this area to the sole purpose of ensuring the proper conditions of health, morality, security and public order, while conferring on parents or guardians the right to select for the education of their children or wards the teachers and institutions they desire. Similarly, the Constitution declares "... as mandatory primary and secondary education along with agricultural or industrial training ..." (article 70), which, together with higher education, are provided free of charge (article 71). Further, the Constitution describes as socially useful, together with education, "... the creation of cultural, scientific and work-related fellowships for advanced and specialized training, and the establishment of libraries for the general public" (article 71).

Article 11: There are no specific provisions in labour law banning discrimination against women in the area of employment, but a prohibition of a general nature is contained in a somewhat more authoritative source, namely the Constitution of the Republic (in article 8 already referred to).

Paragraph (1): It has not been necessary to adopt practical measures to eliminate discrimination against women in the field of employment, since no such discrimination exists in Uruguay.

The practical observance of this equality in the labour area is ensured through the monitoring performed, as a regular function or upon receipt of reports, by the Office of the Inspector General for Labour and Social Security, as well as through the conciliation settlements of individual conflicts brought about by the Centre for Advisory Services and Legal Assistance in Labour Affairs of the Ministry of Labour and Social Security.

Items (a) and (b): The right to work is anchored in a number of constitutional provisions. For example:

Article 53 establishes that "Work is under the special protection of the law. Every inhabitant of the Republic, without prejudice to his freedom, has the duty to apply his intellectual or physical energies to the benefit of society, which in turn shall endeavour to make available, with preference accorded to the citizens, the possibility of earning a livelihood through the performance of an economic activity".

Article 54: "For anyone engaged in a labour or service relationship, as a worker or employee, the law shall recognize the independence of his or her moral and civic conscience and the right to fair remuneration, a limited working day, a weekly period of rest and proper conditions of physical and moral health.

"There shall be special regulations and limitations on the work of women and persons below the age of 18 years".

Article 55: "The law shall regulate the impartial and equitable distribution of work".

The provisions cited above are equally applicable to men and women. The authors of the Constitution provided for special protection of working women and minors by requiring of the legislators that they regulate and limit their work. At the present time, the special limitations applying to the work of women are understood as designed to protect their maternal function, inasmuch as the imposition of limitations at all times and for all women would imply a kind of discrimination in their favour.

The State provides no incentives to employers for the purpose of encouraging them to hire women, since the existence of such incentives would represent an instance of unequal treatment of the sexes in favour of women, something which is expressly prohibited under the Constitution (article 8).

Items (c), (d), (e) and (f): Both the constitutional provisions and the legal statutes refer to public officials in general, without differentiating as to conditions of entry, promotion, dismissal, voluntary departure, etc., on the grounds of sex.

Article 60 of the Constitution of the Republic, in paragraph 2, establishes the conditions governing the career service of public officials whose salaries are paid out of the budget of the central Government, declaring such officials to be non-removeable with the exception of political appointees or officials in positions of particular trust and confirmed in these posts under the law. "For career officials, the Civil Service Rules ["Estatuto del Funcionario"] shall lay down the conditions for entering government service and shall regulate the right to job tenure, promotion, weekly rest and the system of annual and sick leave, the conditions for suspension and transfer, their functional responsibilities and the administrative recourse procedures available against decisions affecting them ..." (article 61 of the Constitution).

With regard to workers in private enterprise, whether men or women, their status is regulated by the same laws. For example, with respect to wages and salaries, Law No. 10,449 of as long ago as 12 November 1943 established the Wage and Salary Boards ("Consejos de Salarios") for the purpose of setting the minimum wages and salaries to be paid to workers and employees in commerce, industry, private offices and public services not run by the State, authorizing these Boards to take into account, when setting wages and salaries, such special situations as may flow from the age or restricted physical or mental capabilities of the employees or workers. At the present time, Law No. 14,794 of 8 June 1978 and its Regulatory Decree No. 371/978 of 30 June 1978 having empowered the Executive Branch to set minimum wages and salaries for private enterprise and rural workers, this branch performs this function in a general way, without discriminating on the basis of sex and distinguishing only according to the age of the worker. For example, a national minimum wage is set for persons above 18 years of age on the basis of the full working day in effect in each sector. With respect to the legal limitation of the working day to eight hours, as introduced under Law No. 5,350 of 17 November 1915 and its amendments Nos. 11,887, 12,468 and 14,320, this limitation applies generally to both men and women, as do the maximum 48-hour working week for industrial workers and the 44-hour working week for the personnel of commercial establishments (Laws No. 5,350 of 17 November 1915, No. 11,887, No. 14,320, etc.). The right to paid annual leave of a minimum of 20 days applies to all workers hired by individual persons or private enterprises (Law No. 12,530 of 23 December 1958) and also to public officials (Decree No. 651/973).

There is a right to social security benefits in cases of:

Retirement pensions

Institutional Act No. 9 of 23 October 1979 covers the retirement pension rights of public employees, persons employed in industry, commerce, agriculture and domestic services, as well as university professionals, notaries and bank employees. The law benefits women by setting a lower pensionable age of retirement for them at 55 years than for men at 60 years (Institutional Act No. 9, article 35, item (a)).

Women are eligible for old-age pensions at 65 years, while men must have completed their seventieth birthday (article 35, item (d)).

The law determines the amount of pension to be paid as a percentage of the basic wage or salary according to the number of years of service, which differs for men and women (article 53, item (b)).

Unemployment

The system of benefits established under Law No. 15,180 of 20 August 1981, regulated by Decree No. 14/82 of 19 January 1982, is aimed at covering the contingency of involuntary unemployment. The beneficiaries are all employees - men and women - in the private sector who have performed remunerated work for third parties and are covered by the regulations of the Department of Pensions in Industry and Commerce (DIPAICO) (article 1, paragraph 1, of Law No. 15,180 and article 1, paragraph 1, of Decree No. 14/82).

Employees not included in the system of benefits provided by this law, for the reason that they are performing remunerated services for third parties in private activities not covered by the regulations governing the Department of Pensions in Industry and Commerce, shall be brought under this system at the time, in the manner and under the conditions to be determined in each case (Decree No. 14/82, article 1, paragraph 2).

Eligibility for the benefits provided under Law No. 15,180 requires that the worker, whether a man or woman, should be involuntarily unemployed for a reason not attributable to his or her desire or to his or her capacity for work (Law No. 15, 180, article 2, and Decree No. 14/82, article 2, paragraph 1).

The term "capacity for work" is understood to refer to the worker's mental and physical ability to perform his or her customary tasks, whereby this capacity is to be assessed at the time when the right to the benefit arises (Decree No. 14/82, article 2, paragraph 2).

In terms of the legal and regulatory provisions discussed above, the system of benefits under analysis covers the case of involuntary unemployment, i.e., unemployment not due to any cause attributable to the will of the worker (dismissal for notorious bad conduct or suspension for disciplinary reasons) or to his capacity for work as evaluated at the time the right to the insurance benefit arises and as manifested in a change in his ability, either mental or physical, to perform his customary tasks.

Accordingly, in the case of dismissal or suspension for disciplinary reasons or when there has been a diminution or change in the worker's mental or physical ability to perform his customary tasks, there is no entitlement to the benefits provided for under the involuntary unemployment insurance scheme.

Unemployment benefits consist of a monthly monetary allowance that is paid to every worker - man or woman - who is covered by the system introduced under the relevant law and its regulatory decree and who finds himself or herself in a situation of involuntary unemployment not attributable to his or her will or to his or her capacity for work.

The beneficiary of the allowance is entitled to a 20 per cent supplement in the following cases:

(a) When he or she is married;

(b) When he or she is responsible for incapacitated dependants who are related by affinity or consanguinity, up to and including the third degree of kinship. For the purposes of this regulation, the term "incapacitated" refers to minors, the blind, deaf-mutes unable to make themselves understood in writing, the demented and the physically disabled;

entitled to compensatory assistance whenever they require it. The law shall provide the necessary measures in order that children and young persons may be protected against physical, intellectual or moral abandonment by their parents or guardians, as well as against exploitation and abuse".

Constitution, article 42: "Parents shall have the same duties towards children born outside of wedlock as towards those born in it. Mothers, whatever their condition or status, are entitled to the protection of society and to its assistance in cases of need".

It should be noted, in connection with all these provisions, that they impose the same duties and obligations on men and women.

Article 13, items (b) and (c):

On the basis of Law No. 10,783 of 18 September 1946, a woman who has reached her majority, whatever her civil status, enjoys the total exercise of her legal capacity, as a result of which she may perform, inter alia, the following acts: (a) Engage in any occupation, employment, position, industry, commerce or function; (b) Freely administer and dispose of her own goods and the fruits of those goods; (c) Take part in associations of a civil (cultural, sporting, etc.), professional or commercial nature; (d) Freely administer the product of her activities; carry out banking, stock exchange and other operations; sell, buy, mortgage, etc.

Women have exercised intensively the rights that have been extended to them since the year 1946, participating to an outstanding degree in the cultural life of the country. For example, it would take too much space to name the women who have distinguised themselves in the law, literature, music, painting and the arts in general, as well as in the world of sports, and who in this way have earned abroad great honours that have redounded not only to their own prestige, but also to that of their country. At the present time it would be correct to say that the Uruguayan woman is more actively involved in the nation's cultural life than the man.

Article 14, paragraph 1

No special measures have been adopted to guarantee the enforcement of the provisions aimed at eliminating discrimination against women in rural areas, for the reason that it has not been possible to detect such forms of discrimination as would justify measures of this kind.

Paragraph 2

Since women enjoy identical civil rights with men, both being protected by the same labour and social security regulations, no special measures have, so far, been adopted to ensure their participation in rural development.

Items (a), (b), (c), (d), (f), (g) and (h)

As a result of the equality of civil, political, working and other rights between both sexes, women have been able to participate fully, through the public organizations or private institutions, in the formulation and implementation of development plans.

Without prejudice to the activities carried out by women alongside men, in each Department of the Republic there have been established Departmental Sub-Committees of Co-operation with the Inter-American Commission of Women (CIM). These are honorary working bodies provided for under the statutes and regulations of the Commission and designed to co-operate in the area of national representation

before that body and in the various actions which it is to undertake. In pursuit of those of the Commission's objectives which coincide with national goals, a study course, declared to be of "national interest" by the Uruguayan Government, was held on the subject "Formulation of Projects for Women", the general objective being to train the persons who were to be members of the Departmental Co-operation Sub-Committees and who would be working on a permanent basis in the area of women's concerns. The aim of the course was:

(a) To identify the areas of women's concerns in rural zones and in the context of local and national development;

(b) To associate these requirements and problems with the development objectives and programmes formulated in national and regional plans;

(c) To identify institutional resources and machinery, of an administrative and technical nature, for project formulation;

(d) To develop a certain amount of basic knowledge regarding project formulation and analysis in terms of the involvement of women in development;

(e) To promote the consideration of women's issues in national and regional development plans and programmes.

Once the proposed objective had been achieved, the members of the sub-committees were trained in the formulation of projects tailored to the requirements of their particular regions. After this, the Department of Women's Affairs evaluated the projects, set priorities among them and, in that context, identified the national and international financing sources through which appropriate solutions might be found for the problems detected.

One of the undertakings assumed by the participants in the course on the formulation of projects for women was to prepare projects aimed at achieving a better quality of life for the rural women, and thus for their families, of their respective Departments. They were to forward these projects to the Department of Women's Affairs of the Ministry of Labour and Social Security for evaluation, submission to the governmental authorities, and approval for subsequent implementation in line with whatever kind of financing might be obtained.

The first project received was from the Sub-Committee of Co-operation with CIM for the Department of Paysandú on the subject "Social Promotion of Rural Women". The objective of the project was to "contribute to increased efficiency and productivity on the part of women in rural stock-raising areas and of the wives of peasants living in economically depressed communities, by improving their standard of living and production capacity".

At a later date, a project was received from the Department of Artigas's Sub-Committee of Co-operation with CIM, the purpose of which was to "improve the social and economic status of the family through the training of women and children in cottage industries", and finally a project submitted by the Tacuarembó Sub-Committee of Co-operation with CIM on a pilot plan designed to integrate the craftsmen of that Department, especially women artisans and their family groups, in the departmental development process.

Following the submission of these projects, a meeting was held with the delegations responsible for their preparation and with delegations of the other three Departments comprising the northern region of the country, namely Rio Negro, Salvo and Rivera, for the purpose of evaluating the projects submitted by the former and encouraging the latter to take similar steps.

(c) When he or she is responsible for descendant relations below the age of 21 years or for ascendant relations.

The relatives mentioned under points (b) and (c) above are regarded as dependants of the beneficiary when the latter provides them with their means of subsistence in full or in large measure.

A family member who has an income of his or her own in excess of the national monthly minimum wage or salary in effect at the time when the situation leading to unemployment arises may not be regarded as a dependant of the beneficiary.

The amount of the monthly benefit to which the beneficiary is entitled, whether he is paid by the month, day or hour, and whether he has been dismissed or totally suspended from work, partially suspended from work or placed on short-time working, may under no circumstances exceed the equivalent of eight times the national monthly minimum wage in effect at the time when the situation leading to unemployment arose.

Sickness

On 23 October 1979 the Government approved Institutional Act No. 9, which entered into force on 1 December of that same year. The effect of this Act was to reorganize the Uruguayan social security system. With specific reference to the provision of coverage for the risk of sickness, the Social Security Office for Sickness Benefits (DISSE) was created as the successor agency to the Social Security Administration for Sickness Benefits (ASSE). Later, a number of official provisions extended the scope of social security coverage in the event of sickness. Law No. 15,087 of 9 December 1980 extended coverage to the owners of single-person enterprises engaged in activities covered by DISSE, provided that they have no subordinate employees. Under the authority conferred on the Executive Branch under article 7 of Law No. 14,407, pursuant to Resolution No. 816/980 of 16 April 1980 as amended by a resolution of 13 August 1980, the system provided for under this law was extended to import and export enterprises. Similarly, Resolution No. 1,195/981 of 27 May 1981 brought coverage, from 1 July 1981, to commercial activities in general within the interior of the country.

Beginning on the fourth day of sickness, DISSE beneficiaries unable to perform their jobs for reasons of sickness or accident, as certified by the Office's medical service in Montevideo and by the case physician in the interior, are paid a benefit equivalent to 70 per cent of their basic or customary salary or wage. This benefit is paid from the first day in cases in which the beneficiary has been hospitalized, for which purpose a certificate of hospitalization issued by the health care institution in question must be submitted.

In order to be eligible for the economic benefits discussed above, the worker - man or woman -, must be employed at the moment he or she falls ill and must have contributed to the insurance fund provided for under Law No. 14,407 an amount equivalent to 75 daily wages or three salaries, as the case may be, within the 12 months prior to the date of the claim filed for sickness or accident.

The benefit is paid for a period of one year with the possibility of extension for an additional year, subject to a medical ruling and express authorization. In all cases, the period of sickness is always taken into account for the purpose of computing the pension. When the insured receives a sickness benefit during more than one period within the course of four years as the consequence of the same illness, these periods may be added together for the purpose of computing the maximum duration of the benefit.

In accordance with article 17 of Law No. 14,407, the beneficiary may, at any time, be declared incapable of performing his job by the Office's medical board. In such cases, these workers - men or women - are paid an insurance benefit over a period of 180 days starting on the date of the declaration of incapacity, with this benefit to be regarded as a pre-pension advance, if the Department of Social Security (DGSS) declares the worker to be incapacitated, in which case this amount will be deducted from the settlement the worker receives from that department.

In the case of an on-the-job accident, the beneficiary is entitled to whatever difference may exist between what he receives by way of indemnification from the State Insurance Bank and the 70 per cent benefit paid by DISSE.

Disability

Institutional Act No. 9 of 23 October 1979, which laid down the principles for the organization of the social security system, listed "... the sole benefits or allowances that shall be granted ..." (article 31) on the basis of that norm: (a) retirement pension; (b) disability pension; (c) old-age pension; (d) funeral expense allowance. The benefits mentioned cover the social contingencies of retirement, disability, old age and death. Article 35 of Institutional Act No. 9 specifies the conditions necessary for the granting of the early retirement benefit, namely:

"1. Labour incapacity, absolute and permanent for work of all kinds, having occurred at a time when the beneficiary was in an economically active status, whatever the cause that may have led to the incapacity;

"2. Absolute and permanent incapacity for the exercise of the beneficiary's customary trade or occupation, having occurred at a time when the beneficiary was in an economically active status, whatever the cause that may have led to the incapacity."

This benefit shall be paid for a period of up to two years from the date on which the incapacity was declared to be permanent, or from the expiry of the sickness benefit coverage period, except when at the end of this period the participant in the scheme is able to prove that he or she has been incapacitated absolutely and permanently for work of any kind through the application of articles 37 and 38, in which case the benefit shall be regulated according to item 1.

Old age

Institutional Act No. 9, in article 35, item (d), lays down the conditions that must be met in order to give rise to eligibility for an old-age pension: "The completion of 70 years of age by men and of 65 years of age by women, provided that there is a credit of at least 10 years of active service, whether or not the person is in an active economic status at the time such cause arises.

"In computing the length of service for which benefits are to be paid, the appropriate benefits shall be added to the actual age and the real services".

Article 44 stipulates: "Any inhabitant of the Republic who is over the age of 70 or who is absolutely incapacitated for work of any kind, whatever his or her age, shall be an old-age pension beneficiary.

"Eligibility for an old-age pension requires:

"(a) That the person lack resources or that these resources be less than the minimum pension benefit;

"(b) That the person not be entitled to a retirement pension or pension of any other kind;

"(c) That the person not be economically active or receiving unemployment compensation;

"(d) That the person not be receiving a bed-and-board allowance from family members legally obliged to support him, whether such an allowance is voluntary or has been ordered by a court.

"Aliens or legal citizens must have at least 15 years' continuous residence in the country in order to be eligible for an old-age pension".

The right to paid vacations

Article 1 of Law No. 12,590 of 23 December 1958 establishes that "All workers hired by individuals or private enterprises of any kind have a right to paid annual leave of a minimum of 20 days, as well as the supplement referred to in the next article. The leave days in question must be taken within a single uninterrupted period, within which such holidays as may occur shall not be counted".

This provision also grants all workers, without distinction, an additional day of leave for every four years of seniority, with these days to be computed beginning with the fifth year of service at the same enterprise.

In accordance with Decree No. 641/973 of 8 August 1973, public officials of the central Government are covered by a system similar to that briefly described above for workers in the private sector.

Under Resolution No. 9/973 of 2 January 1973 there was approved Resolution No. 366 of COPRIN, which introduced as a general requirement the obligation of all employers to grant their workers a benefit, known as the vacation wage, for the purpose of contributing to their enjoyment of their annual leave. According to Resolution No. 2,215/973 of 31 December 1973, this benefit is calculated according to the number of leave days to which each worker is entitled at the rate of 45 per cent of the net daily vacation wage, and is to be paid at the beginning of the leave.

The right to the protection of health

As noted above, Institutional Act No. 9 is based, among other principles, on that of universality, "which implies that coverage will be the same for all inhabitants of the Republic when faced with the same set of circumstances or contingencies" (article 3, item 2). The areas of coverage guaranteed under the social security system (Institutional Act No. 9, article 4) include health coverage, whereby it is the responsibility of the Social Security Office for Sickness Benefits to plan the benefits to be provided in order to cover contingencies connected with the loss by the worker of his or her mental or physical health.

For a discussion of the benefits as such, see the section on "Sickness" above.

Page 20

Paragraph 2

Item (a): Law No. 11,577 of 14 October 1950 granted all pregnant women the right to remain absent from work for whatever period of time is regarded as medically necessary. Should the woman wish to return to her job after giving birth, her post must be held for her. Moreover, a woman worker may not be dismissed for reasons of pregnancy, "... otherwise, the employer shall be required

to pay an amount equivalent to six months' wages plus the corresponding legal indemnification" (article 17).

The special dismissal indemnification must be paid if the employer was aware of the worker's pregnancy either because he was notified of this fact or because the condition was obvious (case law: ruling of the Lawyers' Labour Court, 3rd. Session, of 28 April 1975; Labour Appeals Court, Ruling No. 49 of 3 June 1976 and No. 104 of 16 August 1976: Brocqua, Schiafino Maestro; Lawyers' Labour Court, First Ruling No. 49 of 16 September 1976; Lawyers' Labour Court, Second Ruling No. 68 of 3 December 1976. The legal review board of the Centre for Advisory Services and Legal Assistance in Labour Matters, meeting on 3 February 1978, issued a judgement coinciding with that of the case law, further noting that in accordance with article 16 of Law No. 11,577, which states: "every woman in a pregnant condition ...", and article 17 of the same law, which states: "in the situation provided for under the preceding article, the woman worker may not be dismissed", the special indemnification applies to all pregnant workers dismissed without justifiable cause, even when, as a wageworker, the woman does not have the 100 working days to her credit or when, as a domestic worker, she lacks one year of service).

The penalty to which the employer is liable in such cases consists in the imposition of a dismissal indemnification far higher than the customary amount, including that which is imposed for dismissal for reasons of sickness.

Although there are no statistics on the subject, dismissal for reasons of maternity is not frequent.

In accordance with Decree No. 680/977 of 6 December 1977, the Office of the Inspector General for Labour and Social Security is that division of the Ministry of Labour and Social Security which is responsible for "monitoring the compliance with, and application of, the legal and regulatory provisions in the area of labour and social security, contracts and collective agreements, and other standards in force" (article 6, item (b)) and also for "protecting the life, health and morality of working people and, in particular, of working minors and women" (article 6, item (a)).

In pursuit of its statutory objectives, the Office of the Inspector General works through the labour inspectors either on its own initiative or on the basis of reports received, which may be submitted anonymously, by persons directly affected.

In the event of a legal violation in this area, the worker may appeal to the Office of the Inspector General for Labour for a clarification of the facts.

Similarly, workers may also bring the matter before the Centre for Advisory Services and Legal Assistance in Labour Matters, a division of the Ministry of Labour and Social Security, which under Law No. 14,489 of 23 December 1975 has been charged with legally counselling all workers entitled to various indemnifications and compensations flowing from acquired rights in respect of a dependency status.

At the Centre for Advisory Services, the parties to the conflict are invited to attend conciliation hearings at which professional specialists endeavour to bring the parties to an understanding. Where an agreement cannot be reached, for the reason that the claimant's right is not recognized, he is given a copy of the report prepared, without which he cannot initiate proceedings in a labour dispute.

Law No. 14,188 of 5 April 1974 established the procedure to be followed at the primary and appeals level in labour disputes. At the present time (since February of 1984), there are four lower-level labour courts presided over by legally trained judges ("Juzgados Letrados de Primera Instancia del Trabajo"), which hear cases falling within their competence on a rotating basis. It should be emphasized that

(a) Engage in any occupation, employment, position, industry, commerce or function;

(b) Act as a guardian, trustee, executrix or witness in any proceedings or contract;

(c) Freely administer and dispose of her own goods and the fruits of those goods;

(d) Take part in civil or commercial associations;

(e) Freely administer the product of her activities;

(f) Enter into contracts, whether or not involving fees;

(g) Accept or decline inheritances, bequests or donations;

(h) Administer the goods of children from a previous marriage over whom she exercises parental authority;

(i) Participate in civil or criminal suits affecting her person or the person or goods of her minor children over whom she exercises parental authority.

Paragraph 3: The Civil Code, in article 1261, specifies: "For the validity of contracts, the four following conditions are essential: 1. The consent of the parties; 2. The legal capacity of the party assuming the obligation; 3. A licit and sufficiently specific objective as the subject of the obligation; 4. A licit immediate cause of the obligation. This shall be understood without prejudice to the formal requirements demanded by the law for certain contracts".

In view of the fact that the Civil Code states that the acts that are the subject of contracts must be possible and specified and that the contracting parties must have an interest in their execution (Civil Code, article 1283, paragraph 3), if a contract were to have as its subject the limitation of a woman's legal capacity, it would be regarded as pursuing as its purpose a morally impermissible act, that is, an act " ... prohibited by the laws or contrary to good custom or to public order" (Civil Code, article 1284).

Paragraph 4: Article 37 of the Constitution of the Republic states: "Every person is free to enter the territory of the Republic, sojourn within it and leave it with his or her goods, providing that he or she observes its laws and causes no damage to third parties. Immigration shall be regulated by the law, but in no case shall the immigrant suffer from such physical, mental or moral defects as may harm the society".

The 1946 Law on the Civil Rights of Women, in article 9, specified that "The conjugal residence shall be determined through the joint agreement of the spouses".

In summary, under the constitutional principle that refers generically to "every person", women in Uruguay enjoy, on an equal footing with men, the right to freedom of circulation in its broadest sense, as well as the right to select their place of residence.

Article 16, paragraph 1: Since the enactment of Law No. 10,783 of 18 September 1946, men and women enjoy equal civil capacity, which implies the same rights and obligations in all matters affecting "Persons" (Book One of the Civil Code), i.e., residence (Book 1, Title II), civil status (Book I, Title III), the absent (Book I, Title IV), marriage (Book I, Title V), paternity and filiation (Book I, Title VI), adoption (Book I, Title VII), parental authority (Book I,

Title VIII), legal age (Book I, Title IX), guardianship (Book I, Title X) and trusteeship (Book I, Title XI).

Items (a), (b), (c), (d), (e), (f), (g) and (h)

Men and women have the same right to marry and the same right to freely select a spouse and contract marriage solely on the basis of their free will and full consent. For example, article 90 of the Civil Code states that "The act of marriage shall produce the civil effects which this Code attributes to it only if the marriage is performed in conformity with the following provisions". The following article, article 91, lists the impediments nullifying marriage, which are: "1. The failure of either of the parties to have attained the age required under the laws of the Republic, i.e., 14 complete years for men and 12 complete years for women; 2. The lack of consent on the part of the spouses. Deaf-mutes unable to make themselves understood in writing may contract marriage, provided that it is determined that they are able to express their consent. This determination shall be made by means of a court-approved report; 3. The undissolved bond of a previous marriage; 4. Lineal kinship, by consanguinity or marriage, either legitimate or natural; 5. Collateral kinship between legitimate or natural siblings; 6. The murder, attempted murder or complicity in the murder of a previous spouse". Of the impediments listed, attention should be directed to the one mentioned in article 91, item 2, which lays down as a prerequisite for the validity of the marriage contract the consent of the parties, whereby this consent must be expressed clearly and openly, with no reservations or conditions. Further to this point, article 199, paragraph 1, stipulates that "A marriage contracted without the free consent of the spouses may not be declared null and void except on challenge by the party whose consent was not free".

The Civil Code, in Book I "On Persons", Chapter IV "On the obligations that arise out of marriage", Section I, lays down the "Duties of the spouses towards the children, and their obligation, and that of other relatives, to provide support on a reciprocal basis", while Section II speaks of the "Rights and obligations between husband and wife". Regarding the reciprocal obligation to provide support, this has been discussed above as part of the description of the family allowance system existing in Uruguay, which may be regarded as applicable here also in all its aspects.

With the exception of article 127, which remains in force and states that "The spouses owe each other mutual fidelity and mutual assistance", the articles of the Civil Code that laid down the rights and obligations of husbands and wives were rescinded by the 1946 Law on the Civil Rights of Women, which established the equality of the civil capacity of men and women. Law No. 10,783 of 1946 stipulates in article 9: "The conjugal residence shall be established through the joint agreement of the spouses"; article 10: "Both spouses shall contribute to the expenses of the home in proportion to their economic means"; article 11: "Parental authority shall be exercised jointly by the spouses ..."; article 6: "At any time, either of the spouses, or both acting in agreement, may request, without specifying the reason, the dissolution and liquidation of the conjugal union".

Under Uruguyan positive law, "Marriage is dissolved: 1. On the death of one of the spouses; 2. Through a legally granted divorce" (Civil Code, article 186). In turn, "Divorce may only be sought: 1. For the reasons specified in article 148 of this Code; 2. Through the mutual consent of the spouses...; 3. At the mere wish of the woman ...". The grounds for divorce listed in article 148 are those required in order that a separation from bed and board may take place: "1. Because of an act of adultery on the part of either of the spouses; 2. Because of an attempt by either of the spouses on the life of the other, following the pronouncement of a criminal sentence of conviction; 3. Because of severe cruelty

"The judiciary is independent of all other authority in the exercise of its jurisdictional functions" (Law 15,464 of 19 September 1983, article 1, which approved the Organic Law of the Judiciary and the Organization of the Courts).

Item (b): Law No. 12,572 of 23 October 1959 introduced the maternity wage for female industrial and commercial workers under the semi-public Central Council for Family Benefits.

Decree No. 304/65 of 8 July 1965 extended this benefit to rural and domestic workers.

Article 12 of Institutional Act No. 9 of 23 October 1979 created the Social Security Department as a division of the Ministry of Labour and Social Security with responsibility for administering the social security system.

Article 14, item (a), of that law provided that the Office of Family Benefits would become an administrative unit subordinate to the Social Security Department.

Finally, Law No. 15,084 of 28 November 1980 and Decree No. 227/81 apply the maternity benefit under the same conditions as the preceding enactments, thereby introducing a unified system for the entire private economic sector.

Duration

In accordance with articles 12, 13 and 14 of Law No. 15,084, beneficiaries of the maternity wage must cease work six weeks before the anticipated date of birth and may not resume work until six weeks after the birth.

When the birth takes place after the anticipated date, previously taken leave is always extended until the actual date of birth and the duration of the mandatory postpartum rest period is not reduced.

In cases of sickness resulting from pregnancy, provision may be made for additional prenatal leave. When sickness is a consequence of the birth, the beneficiary is entitled to an extension of the postpartum rest period. In both cases, the duration of the rest period is determined by the Office of Family Benefits, whereby the total leave time may not exceed six months.

Benefits

The benefit is paid by the Social Security Department through the Office of Family Benefits (articles 12 and 15 of Institutional Act No. 9).

Responsibility for costs is borne by the Social Security Department under the Ministry of Labour and Social Security (article 12 of Institutional Act No. 9).

Scope

In accordance with article 11 of Law No. 15,085, female employees in the private sector, whatever their form of remuneration, are eligible for the maternity allowance.

Law No. 15,181 and Regulatory Decree No. 90/83 introduced a special membership and medical care mechanism for pregnant women, in addition to requiring, as a general and mandatory measure, a system of prenatal membership for the children of member parents not covered under the social security scheme.

Item (c): The Mother-Child Service was created under Law No. 11,618 of 20 October 1950 and, at a later date, the Educational Centre was established under a decree of 1 September 1953. Both are under the administration of the semi-public

Since the entry into force of Institutional Act No. 9 of 23 October 1979, both services are administered by the Social Security Department through its subordinate Office of Family Benefits (articles 12 and 15 of Institutional Act No. 9).

Article 20 of Law No. 15,084 stipulates that "The Office of Family Benefits shall, in the manner, and for as long as, required by the Executive Branch, continue administering the Mother-Child Service for which it is responsible, in addition to maintaining in operation the Vacation Colony and Educational Centre".

There are six Mother-Child Centres, all located in the capital of the Republic, which provide assistance to pregnant women and to children from birth until their sixth year of age.

Located in the Department of San José, the Educational Centre and Vacation Colony provide study scholarships to students with outstanding qualifications and make available free room and board in order that they may attend courses given at secondary schools and labour universities operating within the area.

The State has not only promoted the establishment of nurseries, but has introduced them at a number of public agencies in order to create more convenient conditions for government employees with children of pre-school age. By way of example, one might mention the model nurseries operating at the Ministry of Transport and Public Works; the State Sanitation Works (OSE); the National Fuel, Alcohol and Portland Cement Administration (ANCAP); the Clinical Hospital; etc.

Item (d): Ban on the employment of pregnant women

International Labour Agreement No. 136, ratified under Law 14,567 of 30 July 1976 on "protection against the risks of benzene poisoning", in article 11, item 1, declares that "Pregnant women whose condition has been certified by a doctor, and also nursing mothers, may not be employed in work involving exposure to benzene or to products containing benzene". 1/

Article 8 of the Decree of 14 September 1945 had already imposed an absolute ban in our country on the employment of pregnant women at establishments which produce, employ or handle benzene or its homologues and compounds, while also prohibiting their presence in premises where work with these substances is conducted, or in contiguous premises not separated by doors (article 11).

Paragraph 3:

The protective legislation with regard to women is revised from time to time in the light of advancing scientific and technological knowledge. As indicated above, this was the reason why, on 16 December 1981, the Executive Branch sent a message to the State Council accompanied by a draft law and a request that International Labour Agreement No. 89, which prohibits night work by women in industry, should be denounced.

In this message, the new draft law submitted was justified on the following grounds: "A characteristic of Uruguayan national labour law has been its protective approach towards working women. While this protective legislation, whose beginnings may be identified with Law No. 6,102 of 10 July 1918, was at the time of its enactment fully consistent with cultural trends that had evolved over the centuries in most societies, at the present time, because of progress in science and technology and the wider availability of education and vocational training, among other factors, the intention, evident in the past, of shielding women against excessive or hazardous work has today become a factor of discrimination limiting their access to employment opportunities".

1/ Translator's note: Translated from the Spanish of the original

Rate of female participation in the labour force by sectors:

(percentage of women in the labour force in each of the following principal sectors of the economy):

		1975
1.	Total labour force, including all sectors	28.1%
2.	Agriculture (agriculture, hunting, forestry and fishing)	5.7
3.	Industry (mining and quarries; manufacturing; electricity, gas and water; construction)	23.5
4.	Services (wholesale and retail trade, restaurants and hotels; transport, storage and communications; financing, insurance, real estate or commercial services; community, social and personal services)	37.8
5.	Others	20.2

Rate of female participation in the work force according to occupation:

(percentage of women in the total work force in each of the following occupational categories):

		1975
1.	Total work force, including all occupations	28.1%
2.	Professionals, technicians and similar administrative and managerial workers	57.7
3.	Sales personnel, service workers, office workers and similar workers	44.0
4.	Workers in the agricultural, livestock and forestry sectors; fishery workers and hunters	4.3
5.	Manual and similar workers; operators and transport and equipment workers	17.5

Rate of female participation in the labour force according to civil status:

		1975
1.	All women	28.1%
2.	Single women	31.4
3.	Married women	23.0
4.	Divorced and separated women	56.0
5.	Widows	
	Widows surviving a consensual union	56.2
	Undeclared	32.2

Rate of labour participation of the female and male populations of 12 to 59 years of age:

		1975 F	1975 M
1.	Manufacturing industry	21.6%	18.8%
2.	Textiles and clothing	13.1	2.0
	Food and beverages	2.6	5.7
	Leather and footwear	1.7	1.1
	Electronics	0.2	0.4

Percentage of unemployed in the total male and female work force:

	1975	1982 1st half year	1982 2nd half year
Total work force (men and women)	6.8%	9.5%	12.7%
1. Women	2.0	5.1	6.1
2. Men	4.8	4.4	6.6

Article 12.

Paragraph 1

Paragraph 2:

Medical care

This includes clinical prenatal health care services and sanatorium maternity services provided either at facilities of the public health system itself or at institutions that co-operate with the system on the basis of a contractual arrangement.

In Montevideo care is available:

(a) At a perinatal sanatorium care unit for high-risk cases and at five out-patient clinics operated by the health care system;

(b) Through the repayment of costs to the insurance institution selected by the mother for birth care.

This care includes birth care, for both normal and pathological cases, assistance for immediate or delayed medical and surgical problems connected with the pregnancy or post-partum period and requiring hospitalization, as well as the out-patient care available from the Mother-Child Centres.

In the interior of the country, care is provided, on a co-ordinated basis with the Ministry of Public Health, through the departmental health centres and local hospitals, wherever possible, or by means of term contractual arrangements with private medical care organizations offering perinatal assistance.

In addition, the city of Pando has a polyclinic centre operated by the public health care system.

the same is true of the wife with respect to her husband"; article 442: "Male children and women who have reached their majority are the trustees of their widowed father or mother, once these have been declared to lack capacity..."; article 451, paragraph 1: "The trustees of the goods are subject to all the same impediments as the guardians...".

With respect to adoption, the Children's Code of 1934 provides, in article 156, that adoption is "...permitted to anyone over the age of 30 years, whatever his or her civil status, provided that the person in question is at least 20 years older than the adoptee" (emphasis added). Article 159 of the Children's Code establishes that "Once the adoption has been carried out, the subsequent separation or divorce of the spouses does not release them from their obligations towards the minor, even if they have been deprived of the exercise of parental authority or of the right to keep the child with them". Law No.10,674 of 20 November 1945, which established the procedure for "adoptive legitimation", declares in its article 1: "Adoptive legitimation is permitted in the case of abandoned minors, full orphans, or the children of unknown parents. In addition, wards of the State who have been totally abandoned by their parents for more than three years may also be legitimated through adoption. Legitimation through adoption may be sought by both spouses after five years of marriage, provided that they are both over 30 years of age that the husband is 17 years and the wife 15 years older than the minor, and that they have had the minor under their custody or living with them for a period of not less than three years. Where there are sound and specific reasons, the judge may grant adoptive legitimation even when one (or both) of the spouses fails (or fail) to satisfy this age difference requirement, whereby he may reduce the difference to a point at which the adoptee might reasonably be the child of the adoptive parents. Similarly, a widower or widow may legitimate a child through adoption, as well as divorced spouses, providing that both of them agree...".

The articles contained in the section of the Civil Code laying down the rights and obligations of husband and wife were virtually all rescinded by the 1946 Law on the Civil Rights of Women, with only article 127 remaining in force. That article states: "The spouses owe one another mutual fidelity and mutual assistance". Each of them continues to be entitled to enjoy all the rights enshrined in the Constitution of the Republic, e.g., article 36: "All persons may engage in work, farming, industry, commerce, a profession or any other licit activity, subject to the limitations of general public interest established under the laws".

Concerning the practice with regard to names, there are no provisions requiring that married women use their husband's name after their own, despite which fact in actual practice such women voluntarily adopt their husband's name. In article 191 of the Civil Code there is a specific prohibition to the effect that: "Once a ruling of divorce has become final, a wife may no longer use her husband's name".

When the 1946 Law on the Civil Rights of Women granted equal civil capacity to women and men (article 1), it conferred on both sexes the same rights with respect to property and to the purchase, management, administration, enjoyment and disposition of goods, both in return for payment and free of charge.

Paragraph 2

Article 91 of the Civil Code establishes in item 1, as an impediment nullifying marriage: "1. The failure of either of the parties to have attained the age required under the laws of the Republic, i.e., 14 complete years for men and 12 complete years for women".

Since 1 July 1879, there has been in force (although with some amendments) the Decree-Law on the Civil Registry, regarded as an "urgently felt need in the country" (preambular paragraph IV) and based on the fact that "...the most reliable proof of the civil status of persons is that which is provided by the appropriate registers maintained under the care and responsibility of civil officials" (preambular paragraph I).

Article 83 of the Civil Code stipulates that: "Civil marriage is obligatory throughout the entire territory of the State, whereby, since 21 July 1885, no marriage shall be recognized as legally contracted other than those performed in accordance with the provisions of this chapter and subject to the rules established in the Civil Status Registry laws and their regulatory decrees".

The following table contains perinatal medical care statistics for the period 1975-179

	Women admitted	Live births	Births
1975 Total	11 451	12 257	-
Montevideo	11 451	9 157	9 253
Interior	-	3 100	-
1976 Total	11 804	18 243	-
Montevideo	11 804	9 606	9 712
Interior	-	9 637	-
1977 Total	12 383	20 544	-
Montevideo	12 383	10 468	10 751
Interior	-	10 076	-
1978 Total	9 822	20 106	20 310
Montevideo	9 822	8 384	8 476
Interior	-	11 722	11 834
1979 Total	11 469	21 358	21 558
Montevideo	11 469	8 351	8 438
Interior	-	14 007	13 120

1. Women admitted: includes hospitalization for any of the causes mentioned. The figures for the interior of the country reflect live births only.

2. Live births: includes care provided at the facilities of the public health care system or at institutions co-operating on a contractual basis.

3. Births: includes births which occurred at system-operated or contractual facilities, whereby up to 1977 data are available for Montevideo only.

Work of the polyclinic centres

	1975	1976	1977	1978	1980
Obstetrical consultations	65 024	70 980	74 332	64 815	65 920

Obstetrical consultations

Includes consultations with future mothers at the polyclinic facilities of the public health care system. Not included are data for the Pando polyclinic, which was only recently opened.

Prenatal check-ups

These check-ups are provided by the Peripheral Services of the Epidemiology Division through the Mother-Child Health Centres under the direction of the Health Centre Department, which is a part of the Epidemiology Division as is also the Mother-Child Department.

This department, originally known as the Department of Mother-Child Health, established under Executive Branch Decree No. 53,266 of 10 January 1966 ree No. 614/965), whose main articles are reproduced below:

"Article 1. There is hereby established, under the Hygiene Division of the Ministry of Public Health, the Department of Mother-Child Health. Its purpose shall be to promote the achievement of the highest possible level of health for mothers and children.

"Article 2. The following shall be the principal functions of the Department of Mother-Child Health:

"(a) To prepare periodic studies of the country's problems in the area of mother-child health, and to interpret the related requirements for the officials of the Ministry;

"(b) To define the functions of the Department and the Ministry's mother-child services;

"(c) To formulate and propose technical and administrative standards for implementing the afore-mentioned functions;

"(d) To carry out inspections, advise and perform a monitoring role in respect of the execution of these functions in accordance with such standards as may be approved;

"(e) To review and evaluate from time to time the Ministry's mother-child programme;

"(f) To promote legislative and regulatory standards aimed at improving the health of mothers and children;

"(g) To encourage the participation of the Ministry in general, and the Department in particular, in the teaching of the disciplines related to mother and child health;

"(h) To participate actively in the co-ordination of the work of the Ministry with that of the other institutions in the country engaged in activities aimed at improving the health of mothers and children".

In summary, the basic activities of the Mother-Child Department lie in the a of technical standard-setting and programme formulation, and are naturally egrated within the national health plan and national development plan as mulated by the Executive Branch in the "Nirvana Guidelines" (1973) and in other evant documents.

At these Mother-Child Health Centres, which provide comprehensive medical care evention and treatment), no previous processing or administrative document ablishing the right to free medical attention is required of the pregnant an. It has been possible through this policy of maximum economic accessibility increase coverage and to improve the early care of future mothers.

The services provided by these centres include the promotion of good health hin the centre's geographical area by means of environmental monitoring.

In those jurisdictional zones which have no Mother-Child Health Centre, ical care is the responsibility of urban or rural peripheral polyclinics and pitals at the Departmental Centres and Auxiliary Centres subordinate to the istance Division of the Ministry of Public Health. At these establishments, ients are required to present an "assistance card", which may be obtained free

of charge or for a fee. In the first case, Category A "Users Entitled to Free Care" (Executive Branch - Decree No. 230/978 of 2 May 1978), the costs are borne by the Ministry of Public Health.

Pregnancy care involving a directly or indirectly related pathology (risk pregnancy) is provided, depending on the seriousness of the risk, on an out-patient basis at the Mother-Child Centres or obstetrical clinics, or else the patients are hospitalized at the obstetrical facilities of the Ministry of Public Health.

Normal or pathological birth care is provided at the Ministry's obstetrical facilities.

At the present time, 98.5 per cent of all women in Uruguay receive some form of institutional birth care. This figure is taken from the statistics of the Statistics Division of the Ministry of Public Health and is based on an analysis of birth certificates and other sources of information.

Immediate (normal or pathological) postpartum care is provided at the Ministry's obstetrical facilities.

Postpartum care as such and more extended care is provided at the Mother-Child Centres or clinics already mentioned.

It should be noted that emergency cases are admitted immediately, with no conditions required. This is also true of the semi-public and private institutions. Non-compliance with this requirement is regarded as a failure to provide care and, as such, is subject to prosecution.

Through the Mother-Child Department, the Ministry of Public Health has introduced standards governing the care of women during pregnancy and after giving birth. The obstetrical standards specify the minimum services required to ensure the proper level of health care quality, in addition to naming the persons authorized to perform the various related medical tasks. In this context, the rules require that for normal pregnancies, births and postpartum periods, medical attention shall be provided by doctors and/or midwives. In the case of pathological pregnancies, births and postpartum periods, doctors alone shall be authorized to render medical services.

Along these same lines, the "Rules Governing the Exercise of the Profession of Midwife", which had been in effect since 1934, have been brought up to date and the new Rules have been approved by the Executive Branch.

With respect to nursing mothers, a subprogramme to promote nursing is in progress. Further, as the result of a seminar organized on this subject by the Ministry of Public Health in November 1979, regulations have been formulated for the purpose of encouraging the practice of breast-feeding and taking greater advantage of a decree of 1 June 1954 which provides that if a woman employee or worker is suckling her child, she is authorized to interrupt her work for this purpose for two daily half-hour periods which shall be credited as actual working time. The physicians of the Children's Council shall determine the duration of the breast-feeding period.

In the case of public officials, the rules are even more advantageous, in that Decree No. 641/973 of 8 August 1973 provides that "In cases when they are themselves breast-feeding their children, women public officials may request that their working day be reduced by one-half its customary duration and for as long as the nursing child requires it".

A number of articles of the "Children's Code" also provide for the protection of mothers, such as articles 24, 28 and 36, which refer to prenatal and postpartum

care for every indigent pregnant woman at the maternity wards, hospital facilities, clinics, and homes for pregnant women and mothers operated by the Ministry of Public Health.

Article 13, item (a): In Uruguayan positive law family responsibilities are laid down in various provisions of the Civil Code, there being a distinction between, on the one hand, the moral responsibilities, such as the duty of parents to protect and raise their children (article 116 of the Civil Code), the duty of children to honour their father and mother (article 256) and the duty to properly exercise the function of guardian or trustee (articles 329 and 442), and on the other hand, the economic responsibilities, the most important of which is to provide support.

In general, the obligation to provide support extends to the spouses, the legitimate consanguineous relations in a direct or collateral line of kinship, the relatives by marriage and the adoptive parents and children. Article 116 of the Civil Code stipulates that "Through the mere fact of marriage, the spouses assume the obligation of maintaining and raising their children and seeing to it that they acquire an occupation or trade suitable to their status and circumstances", an obligation that exists not only in respect of the legitimate children but also, under article 231 of the Civil Code, towards children legitimated by a subsequent marriage. The obligation is incumbent on both spouses, whereby, in order to secure compliance, an action may be brought against either one of them. It should be kept in mind that, in accordance with article 117 of the Civil Code, when there are no parents or when it is impossible for them to meet their obligation of support, that obligation extends to the grandparents and other ascendants: "The obligation of support is reciprocal between ascendants and descendants" (article 118 of the Civil Code). "Sons-in-law or daughters-in-law must also, and under the same circumstances, support their parents-in-law and vice versa. However, this obligation ceases: 1. When the father-in-law or mother-in-law, son-in-law or daughter-in-law, marries for a second time; 2. At the death of that one of the spouses who produced the relationship by marriage and of the children born of his or her union with the other. Nevertheless, the obligation shall continue in this case when the surviving spouse has no ascendants, descendants or siblings in a position to provide support and can demonstrate good conduct" (article 119 of the Civil Code). "The obligation to provide support shall extend to the legitimate siblings in cases in which support cannot be provided because of a physical defect, feeblemindedness or other blameless cause" (article 120 of the Civil Code). In this respect, the lawmaker specifies that "The term 'support' is understood to include not only the house and food, but also clothing, footwear, medicines and the payment of doctors and assistants in the case of sickness. Also included is education, when the dependant is a minor" (article 121 of the Civil Code).

The support obligation also exists in the natural - non-legitimate - family (articles 277 and 279 of the Civil Code). Between natural parents and children the obligation is reciprocal and always arises when the circumstances of one or the other are such that they are unable to meet their needs. It is necessary, however, that the natural children in question should have been legally recognized or declared as such in order that this obligation may be enforceable. The obligation itself does not differ in any significant way from that of legitimate parents in that it includes food, education and the acquisition of an occupation or trade (articles 277 and 179).

This system is pursuant to, and in harmony with, the country's constitutional principles, which regard the family as "... the basis of our society. The State shall see to its moral and material stability, in the interests of the best training of the children for life within society" (Constitution, article 40).

Constitution, article 41: "The care and raising of children in order that they may achieve their full physical, intellectual and social development is a duty and right of the parents. Such persons as have numerous dependent offspring are

These are a few of the examples that might be mentioned regarding the participation of women in rural development planning. Another that might be cited has to do with the results achieved by a sub-committee of this kind in one of the Departments of the country, namely the Department of Tacuarembó, whose sub-committee, established on 31 May 1978, decided on the following:

Priority projects:

(I) A professional school of nursing, established in the city of Tacuarembó because of its favourable geographical location in the interior of the country.

As the initial phase, the school took in 50 students in the second cycle of secondary education who were unable to travel to the capital. The second stage involved 200 women with high-level specialization in the northern zone of the country.

(II) Free travel to the the Health Centre for check-ups for pregnant women and their children of up to one year of age on the facilities of local and interdepartmental transport enterprises.

(III) Integration of women artisans and their families in the process of departmental development, involving the training of these women with a view to increasing family income through the production of more and better-quality manufactured goods, especially handicraft items of raw wool, leather and wood.

Two exhibitions, at the national and international level, were held as a means of stimulating the potential market.

In parallel with these projects, all of which are in progress, the following measures were carried out:

(a) Participation in an oncology course by sub-committee delegates with a view to producing a multiplier effect within the Department.

Purpose: to educate the women of the area in cancer prevention and control.

Development objective: the establishment of an oncological clinic.

(b) Participation in the first beekeeping meeting.

(c) Participation of two women fellowship-holders in a course on "Project Formulation" (Ministry of Labour and Social Security/UNICEF/CIM)

(d) Participation of the Chairwoman of the Sub-Committee, under a fellowship granted by the Government of the Republic, in the Conference on the Evaluation of the Achievements of the Decade for Women, held in the City of Córdoba (Argentina) in 1979.

Evaluation

By the year 1984 the project had produced the following results:

- Two hundred women trained as professional nurses in the interior of the country;

- Periodic visits to the Health Centre by 180 pregnant women, from the most remote regions of the Department, with their children;

- Ninety women artisans working with wool and able, because of the quality and quantity of their products, to sell them inside and outside the Department;

- Ten women artisans specializing in woodwork;

- Ten women artisans specializing in leatherwork;

- Free treatment for the women of the Department, especially its rural zones, at the oncological clinic in the city of Tacuarembó.

With regard to social security, education and training, the reader is referred to the information already supplied in reply to previous questions, since the relevant rules, which are national in character, are applied with no particular problems in a country which, with a land area of only 176,215 km^2, has no isolated or difficultly accessible rural zones.

With regard to the situation in the countryside, attention should be called to a number of the provisions contained in Law No. 14,785 of 19 May 1978 and its Regulatory Decree No. 647/978 of 21 November of the same year, which lay down rules in respect of rural labour. For example, Decree No. 647/978 made it mandatory for employers, in addition to paying the personnel working at their establishments, to furnish them and their families (wives, children and parents) with hygienic living conditions, sufficient food and whatever is necessary for the lighting and sanitation of the premises they occupy and for the preparation of their meals (article 7). Further, the employer is required to provide an adequate place for a garden near the facilities at which the food is prepared, in addition to which he must plant fruit trees and set aside an appropriate area for the raising and keeping of poultry (article 12). This same law established a number of the housing conditions that must be met. For example, there must be separate dwelling areas for different family members according to the age and sex of the occupants, whereby in no case may the lodgings provide less than 17 m^2 of living space per person, nor may the overall area of the window, whose side must not measure less than one metre, be smaller than one-tenth the area which it is to ventilate or illuminate (article 14).

PART IV

Article 15

Paragraph 1: As already noted, the Constitution of the Republic, in article 8, states that "All persons are equal before the law and no distinction shall be recognized between them other than that of their talents or virtues".

Paragraph 2: Under Law No. 10,783 of 18 September 1946, men and women enjoy equal civil capacity. Dr. Sofía Alvarez Vignoli de Demicheli has pointed out that the Law on the Civil Rights of Women is based on three principles: (1) Comprehensive and total recognition of the woman's civil capacity; (2) Full and unlimited recognition of her rights as a mother; (3) Recognition of her property rights, authorizing her to freely administer and dispose of her own property, income and the product of her activities.

In accordance with these principles, women have been granted, inter alia, the following rights: a woman who has attained her majority, whether single, a widow or divorced, acquires the total exercise of her capacity, with the removal of all obstacles and impediments. Under this same law, a legally adult married woman also acquires this capacity, so that she need not obtain the authorization of her husband or the court in order, inter alia, to:

be weighed by the judge; [illegible] aggrieved spouse; 4. Because of a proposal by the husband to prostitute his wife; 5. Because of an attempt by the husband or the wife to prostitute their children, or because of their connivance in the prostitution of the latter; 6. When between the spouses there are continuous quarrels and disputes of such nature as to render their life together unbearable; 7. Because of the sentencing of either of the spouses to a prison sentence of more than ten years; 8. Because of the voluntary abandonment of the home by either of the spouses, provided that this abandonment has lasted for more than three years; 9. Because of the de facto, uninterrupted and voluntary separation on the part of at least one of the spouses for more than three years, whatever the reason that may have caused it; 10. Because of the incapacity of either of the spouses, when such incapacity has been declared to be the result of permanent or irreversible mental illness...", provided that the conditions stated in article 148 ad finem are satisfied. It should be noted that the current wording of item 1 of article 148 has been taken from article 1 of Law No. 14,766 of 18 April 1978, since until that time the law recognized a distinction depending on whether the adultery had been committed by the wife or the husband. It will be seen that with respect to the dissolution of the marriage the rules are identical for both sexes, except as regards divorce based on desire alone, a reason which is recognized in the case of the woman only (Civil Code, article 187, item 3).

Similarly, men and women have the same rights and responsibilities as parents, whatever their civil status, in matters pertaining to their children ever since Law No.10,783 of 1943, article 11, established that "Parental authority shall be jointly exercised by the spouses...". The same rules as enacted with respect to legitimate children also apply to natural children recognized by the father and the mother and to cases of adoption and adoptive legitimation by both spouses (Law No. 10,783, article 14). "A widowed or divorced woman who contracts a new marriage shall continue to exercise such parental authority, guardianship, trusteeship or custody as may have been entrusted to her, as well as the administration of the goods in question, which she shall exercise in a manner entirely independent of her new spouse" (Law No. 10,783, article 15).

As already indicated above, "Through the mere fact of marriage the spouses assume the obligation of maintaining and raising their children and seeing to it that they aquire an occupation or trade suitable to their status and circumstances" (Civil Code, article 116). "The term 'support' is understood to include not only the house and food, but also clothing, footwear, medicines and the payment of doctors and assistants in case of sickness. Also included is education, when the dependant is a minor" (Civil Code, article 121). "Parents direct the education of their children and represent them in all civil matters" (Civil Code, article 258). "Parents may require that children under their authority provide them with the services proper to their age, without the children having the right to claim any form of compensation" (article 259). "Parents are empowered to correct their children in a moderate manner, and if this is not enough, they may bring the matter before a judge in order that he may impose on the children the penalty of confinement for a period of up to one month at a correctional institution..." (Civil Code, article 261). The Children's Code, in article 113, provides that "It shall be up to the Legally Trained Minor Court Judge ["Juez Letrado de Menores"] ... (c) To confine, at the establishments intended for this purpose, minors who display bad conduct, when their parents, guardians or persons exercising custody over them so request". "The father or the mother, as the case may be, enjoys the use of all the goods of his or her legitimate children under his or her parental authority...", subject to the exceptions indicated in article 266 of the Civil Code. "Parental authority shall be exercised in the case of natural children who have been legally recognized or declared such by the courts..." (Civil Code, article 275) in the same way as provided for in the case of legitimate or legitimated children, except that: "The law does not confer on natural parents the [illegible] Code, article 276). It should be remembered that [illegible] in article 42, provides that "Parents have the same duties towards children born outside of wedlock as towards those born in it".

The decision regarding the number of children and the spacing between births is reached in a free and responsible manner in Uruguay, since the state has established no rules in this regard, it being understood that decisions of this nature fall within each person's intimate sphere. It should be noted that article 10 of the Constitution of the Republic enshrines the principle that "persons' private actions that in no way infringe the public order or damage the interests of third parties lie outside the authority of the magistrates. No inhabitant of the Republic shall be obliged to do what the law does not require, nor may he or she be prevented from doing what the law does not prohibit".

With respect to the citizens' opportunity for access to the information and education enabling them to exercise these rights, this opportunity is guaranteed under two constitutional provisions: article 29, which states: In every area the communication of thoughts by words, writings of a private nature or published in the press, or any other means of dissemination is entirely free, without the need for prior censorship, the responsibility in these matters lying with the author and, as the case may be, the printer or disseminator, who shall be subject to the law for such abuses as they may commit"; and article 68, which establishes: "Freedom of education is guaranteed. The law shall restrict the intervention of the State in this area to the sole purpose of ensuring the proper conditions of health, morality, security and public order. Every parent or guardian has the right to select for the education of his children or wards the teachers and institutions he or she desires".

There are no differences between the rights and responsiblities of men and women with respect to guardianship, trusteeship, custody and the adoption of children. For example, with regard to guardianship, i.e., the institution that "...has as its object the safeguarding of the person and goods of a minor who neither is under the authority of a father or mother nor has been given the capacity, through any legal means, to administer his or her affairs" (Civil Code, article 313), this responsibility may, under the 1946 Law on the Civil Rights of Women, be exercised without distinction by a man or woman. Further, "The father or mother may designate a guardian for his or her children, whereby, in the case of a natural child, it is necessary that whoever so designates a guardian for the child in his or her will must have recognized that child". Item 2 of article 352, which included women among those persons who lacked the capacity to exercise any kind of guardianship, was expressly rescinded by article 147 of the Children's Code. The responsibilities assumed by the guardian include the following: he (or she) must prepare for the court an inventory of the goods of the minor (Civil Code, article 323); he must give surety (with some exceptions) and swear an oath that he will properly discharge the duties of his guardianship (Civil Code, article 368); he must "...care for the person of the minor and administer his or her goods in the manner of a diligent parent..." (Civil Code, article 384); he must support and educate the minor as his means permit (Civil Code, article 385); he is responsible for every immoderate expenditure incurred in the support and education of the minor (Civil Code, article 386); and finally "the guardian is responsible for all damage that may befall the minor in the administration of his goods, in the event that there is culpability that can be imputed to him" (Civil Code, article 391); etc.

With respect to trusteeship, i.e., the institution involving the responsibility of administering the affairs of someone unable to rely on himself (Civil Code, article 431), the article just cited stipulates that "The husband is the legitimate and necessary trustee of a wife declared to be lack capacity, and